

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JULY 14, 1992
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Roberts at 10:04 a.m. Deputy Mayor Roberts adjourned the meeting at 10:49 a.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-excused by R-280509
(attend Democratic National Convention)
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
- Clerk-Abdelnour (so)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL.

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-not present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present

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- (7) Council Member McCarty-present
- (8) Council Member Filner-not present

PUBLIC COMMENT:

ITEM-PC-2:

Questions by Robert Reed on the status of the civil lawsuit by the City against the State to recover tax revenues.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A276-317.)

COUNCIL COMMENT:

ITEM-CC-2:

Deputy Mayor Roberts commended the General Services Department, the Park and Recreation Department and the Police Department on the Commissioner of Baseball party in the Prado at Balboa Park on July 13, 1992.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A009-047.)

ITEM-52: (O-92-150 Rev. 1) ADOPTED AS ORDINANCE O-17803
(New Series)

Amending Ordinance O-17458, adopted on April 16, 1990, collecting assessments for the La Jolla Business Improvement District.

(La Jolla Community Area. District-1. Introduced as amended on 6/29/92. Council voted 5-4. Districts 2, 5, 7 and Mayor voted nay.)

FILE LOCATION: STRT L-2

COUNCIL ACTION: (Tape location: A621-648.)

MOTION BY WOLFSHEIMER TO DISPENSE WITH THE READING AND ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-nay, Stevens-yea, Behr-not present, Stallings-yea, McCarty-nay, Filner-yea, Mayor O'Connor-not present.

ITEM-103: (R-92-2637) ADOPTED AS RESOLUTION R-280338

Inviting bids for Drain Reconstruction at San Diego Mission Road and Rancho Mission Road on Work Order No. 119763; awarding a contract to the lowest responsible bidder; establishing CIP-12-059.0, Drain Reconstruction at San Diego Mission Road and Rancho Mission Road; authorizing the City Auditor and Comptroller to transfer \$90,000 from Storm Drain Fee Fund 10508 to CIP-12-059.0; authorizing an expenditure of an amount not to exceed \$90,000 from CIP-12-059.0, for the purpose of executing this contract and related costs. (BID-K3255/92)

(Mission Valley Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: The intersection of San Diego Mission Road and Rancho Mission Road and three locations easterly of Rancho Mission Road on San Diego Mission Road have had several street failures due to deteriorated metal storm drains. This project will replace the deteriorated metal drains with reinforced concrete pipes and eliminate future street collapse.

Aud. Cert. 9200898.

FILE LOCATION: W.O. 119763 CONT - Overson - Rand Corporation CONFY93-1

COUNCIL ACTION: (Tape location: A054-136.)

MOTION BY STALLINGS TO ADOPT WITH DIRECTION TO THE CITY MANAGER TO MEET WITH COUNCIL DISTRICT 6 STAFF AND THE MERCHANTS IN THE AREA TO DISCUSS METHODS TO BETTER INFORM THE MERCHANTS OF THE SCHEDULED ROAD CLOSURES SO THEY CAN MORE EFFECTIVELY RUN THEIR BUSINESSES. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-310: WELCOMED

Welcoming a group of approximately 20 participants in the YMCA Youth Program in Encinitas, accompanied by Mr. Clinton Shaw. This group will arrive at approximately 10:30 a.m.

FILE LOCATION: Agenda

COUNCIL ACTION: (Tape location: A649-662.)

ITEM-330: (R-92-1931) ADOPTED AS RESOLUTION R-280342

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Rancho Bernardo Landscape Maintenance District.

(Rancho Bernardo Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the Rancho Bernardo Landscape Maintenance District. The district provides maintenance of landscaped and paved street medians and streetscapes. The Fiscal Year 1993 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$ 90,000
Personnel	12,263
Utilities	27,500
Incidentals	32,249*
Total Expenses	\$162,012
Reserve	58,351
Total	\$220,363
Less Carry-over & Interest	90,108
Less City Contribution	13,221
Assessed to District	\$117,034

*Includes Assessment District Management Fee of \$9,890.

The annual assessment for Fiscal Year 1993 will be approximately \$8 per dwelling unit, as compared to \$7.77 for Fiscal Year 1992.

FILE LOCATION: STRT M-262

COUNCIL ACTION: (Tape location: A321-346.)

Hearing began at 10:29 a.m. and halted at 10:31 a.m.

MOTION BY McCARTY TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-331: (R-92-1934) ADOPTED AS RESOLUTION R-280343

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Tierrasanta Landscape Maintenance District.

(Tierrasanta Community Area. District-7.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the Tierrasanta Landscape Maintenance District. The district provides for the maintenance of open space, center islands, and street light and street name standards. The Fiscal Year 1993 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$249,873
Personnel	49,058
Utilities	68,550
Incidentals	50,663*
Total Expenses	\$418,144
Reserve	61,483
Total	\$479,627
Less Carry-over & Interest	62,242
Less City Contribution	39,972
Assessed to District	\$377,413

* Includes Assessment District Management Fee of \$25,529.

The proposed assessment for Fiscal Year 1993 will be \$41.50 for a dwelling unit compared to \$39.75 for Fiscal Year 1992.

FILE LOCATION: STRT M-264

COUNCIL ACTION: (Tape location: A321-346.)

Hearing began at 10:29 a.m. and halted at 10:31 a.m.

MOTION BY McCARTY TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-332: (R-92-1946) ADOPTED AS RESOLUTION R-280344

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Mid-City Landscape and Lighting Maintenance District.

(Mid-City and Greater North Park Community Areas. Districts-2, and 3.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the nine subdistricts in the Mid-City Landscape and Lighting Maintenance District.

The Fiscal Year 1993 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$56,766
Personnel	20,108
Utilities	4,690
Incidentals	24,402 *
Total Expenses	105,966
Reserve	9,838
Total	115,804
Less Carry-over and Interest	29,900
Less City Contribution	1,833
Assessed to District	\$ 84,071

*Includes Assessment District Management Fee of \$6,480.

The assessment per frontage foot for each subdistrict is tabulated below:

	1	2	3	4	5	6	7	8	9
FY '93	\$8.43	\$6.46	\$17.92	\$3.93	\$4.80	\$21.50	\$8.81	\$2.36	.97
FY '92	7.65	2.61	13.24	3.81	5.13	14.37	6.77	0	0

The changes in assessments are due to, in subdistrict: 1) Normal cost increase, 2) First full year of maintenance, 3) Less carry-over funds from previous year, 4) Normal cost increase, 5) Favorable carry-over from previous year, 6) Less carry-over and slight operational budget increase, 7) First full year of maintenance, 8 & 9) New subareas half-year maintenance.

FILE LOCATION: STRT M-261

COUNCIL ACTION: (Tape location: A321-346.)

Hearing began at 10:29 a.m. and halted at 10:31 a.m.

MOTION BY McCARTY TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-333: (R-92-1940) ADOPTED AS RESOLUTION R-280345

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Sabre Springs Landscape Maintenance District.

(Sabre Springs Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the Sabre Springs Landscape Maintenance District. The district provides maintenance for landscaped medians, slopes and open spaces within the district boundaries. The Fiscal Year 1993 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$ 56,000
Personnel	24,527
Utilities	8,700
Incidentals	24,039*
Reimbursement to General Fund	15,000
Total Expenses	\$128,266
Reserve	5,080
Total	\$133,346
Less Carry-over & Interest	2,316
Less City Contribution	17,966
Assessed to District	\$113,064

*Includes Assessment District Management Fee of \$7,222.

The proposed assessment for FY 93 is approximately \$13.28 per dwelling unit compared to \$10.10 for FY 93. The increase in assessments is due to additional areas such as slopes, medians and crib walls to be maintained by the district in FY 93. These additions will require the entire district to be noticed this year.

FILE LOCATION: STRT M-263

COUNCIL ACTION: (Tape location: A321-346.)

Hearing began at 10:29 a.m. and halted at 10:31 a.m.

MOTION BY McCARTY TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-334: (R-92-1937) ADOPTED AS RESOLUTION R-280346

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Gaslamp Quarter Landscape and Lighting Maintenance District.

(Centre City Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the Gaslamp Quarter Landscape and Lighting Maintenance District. The district provides landscaping, tree maintenance, sidewalk scrubbing and cleaning, litter, graffiti and gum removal plus electrical energy and maintenance for the ornamental street lights within the district. The Fiscal Year 1993 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$ 33,400
Personnel	234,904
Utilities	29,100
Incidentals	133,373*
Total Expenses	\$430,777
Reserve	55,437
Total	\$486,214
Less Carry-over & Interest	136,600
Less City Contribution	13,000
Assessed to District	\$336,614

*Includes Assessment District Management Fee of \$26,612.

The annual assessment for Fiscal Year 1993 will be \$336,614 compared to \$321,996, the amount assessed for Fiscal Year 1992. The individual assessments in this district vary depending on the degree of service and number of stories of the building on the parcel. Assessments on individual parcels range from approximately \$300 to \$21,000.

FILE LOCATION: STRT M-260

COUNCIL ACTION: (Tape location: A321-346.)

Hearing began at 10:29 a.m. and halted at 10:31 a.m.

MOTION BY McCARTY TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-335: (R-92-1981 Rev.1) ADOPTED AS AMENDED AS
RESOLUTION R-280347

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Downtown Maintenance District.

(See City Manager Report CMR-92-196. Centre City Community Area. Districts-2, 3 and 8.)

FILE LOCATION: STRT M-272

COUNCIL ACTION: (Tape location: A346-620.)

Hearing began at 10:31 a.m. and halted at 10:45 p.m.

Testimony in favor by Leslie Williamson. Testimony in opposition by Leslie Wade, Bob Sinclair, Ron Oliver and Bill Sauls.

Deputy Mayor Roberts closed the public testimony.

MOTION BY HARTLEY TO ADOPT AS AMENDED TO DESIGNATE THE CENTRAL CITY ASSOCIATION TO ADVISE THE PARK AND RECREATION DEPARTMENT WITH THE ADMINISTRATION AND ORGANIZATION OF THE DOWNTOWN MAINTENANCE ASSESSMENT DISTRICT. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-336: (R-92-1943) ADOPTED AS RESOLUTION R-280348

Considering the protests, approving the annexation of territory and approving the modified map, in the matter of the Calle Cristobal Landscape Maintenance District.

(Mira Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: The Calle Cristobal Landscape Maintenance District was established in 1987 to provide maintenance for landscaped medians, streetscapes and the street side of the sound attenuator wall along Calle Cristobal within the district boundaries. Assessments were levied and collected for Fiscal Year 1989. However, due to delays in the developer's implementation schedule and changes in landscaping concept and plans, no maintenance was provided in Fiscal Year 1989 through 1992, and none is scheduled for Fiscal Year 1993.

The developer will continue to provide maintenance for the existing landscaping improvements until they are accepted and taken over by the district. Additional landscaping improvements are proposed by the developer along the westerly extension of Calle Cristobal to include Sorrento Valley Boulevard to a point approximately 1.0 mile easterly of I-5. Consequently, it is proposed to extend the existing district through annexations of westerly areas along Sorrento Valley Boulevard into the district. A portion of the area to be annexed is presently within the boundaries of the Mira Mesa Boulevard Landscape Maintenance District. No assessments are proposed for Fiscal Year 1993. It is anticipated that the district will start maintaining a portion of the existing landscaping improvements in Fiscal Year 1994. The current district account balance of \$80,892 and an estimated interest amount of \$6,000, a total amount of \$86,892, will be carried over to the following fiscal year's budget. Amount assessed to the district for Fiscal Year 1993 - \$0.

FILE LOCATION: STRT M-259

COUNCIL ACTION: (Tape location: A321-346.)

Hearing began at 10:29 a.m. and halted at 10:31 a.m.

MOTION BY McCARTY TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-S402: (R-92-1766) CONTINUED TO JULY 28, 1992

(Continued from the meetings of June 29, 1992, Item 117, and July 6, 1992, Item S405; last continued at the City Manager's request, for further review.)

Supporting the Massachusetts Water Resources Authority's position in Associated Builders and Contractors of Massachusetts/Rhode Island, et al. v. Massachusetts Water Resources Authority, et al. and the filing of a brief in support of that position by the National League of Cities and the National Conference of Mayors.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A136-266.)

MOTION BY McCARTY TO CONTINUE FOR TWO WEEKS DUE TO CONCERNS OF THE CITY MANAGER AND THE CITY ATTORNEY AND FOR ADDITIONAL TIME TO DISCUSS THIS ISSUE WITH OTHER LARGE CITIES TO ENSURE THAT THERE ARE NO IMPLICATIONS TO THE CITY OF SAN DIEGO. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-CS-1: (R-93-86) ADOPTED AS RESOLUTION R-280349

A Resolution adopted by the City Council in Closed Session on July 14, 1992:

Authorizing the City Manager to pay the sum of \$35,404.53 in settlement of each and every claim against the City, its agents and employees, resulting from property damage to the property of EAGLES NEST OFFICE BUILDING.

Authorizing the City Auditor and Comptroller to issue one (1) check in the amount of \$35,404.53 made payable to Luth & Turley, Inc.

Aud. Cert. 9201049

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

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ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Roberts at
10:49 a.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A694).